

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE ENROLLED ACT No. 1608

AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 6-9-11-3 IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The commission may:

- (1) accept and use gifts, grants, and contributions from any public or private source, under terms and conditions which the commission deems necessary and desirable;
- (2) sue and be sued;
- (3) enter into contracts and agreements;
- (4) make rules and regulations necessary for the conduct of its business and the accomplishment of its purposes;
- (5) receive and approve, alter, or reject requests and proposals for funding by corporations qualified under clause (6) of this section;
- (6) after its approval of a proposal, transfer money, quarterly or less frequently, from the fund established in section 7 of this chapter, to any Indiana not-for-profit corporation for the purpose of promotion and encouragement in the county of conventions, **tourism**, trade shows, visitors, or special events; ~~and~~
- (7) require financial or other reports from any corporation that receives funds under this chapter;
- (8) issue bonds for the construction, acquisition, enlarging, and equipping of a sports and recreational facility;**
- (9) enter into leases under IC 36-1-10 for the construction acquisition, enlargement, and equipping of a sports and**

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recreational facility; and

(10) exercise the power of eminent domain to acquire property to promote and encourage conventions, tourism, trade shows, visitors, or special events within the county.

(b) A majority of the commission shall constitute a quorum for the transaction of business, and the concurrence of a majority of those present shall be necessary to authorize any action.

SECTION 2. IC 6-9-11-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The commission may enter into an agreement under which amounts deposited in, or to be deposited in, the convention and visitor promotion fund established under section 7 of this chapter are pledged to payment of obligations (including bonds and leases entered into under IC 36-1-10) issued to finance the construction, acquisition, enlargement, and equipping of a sports and recreation facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county.**

SECTION 3. IC 6-9-11-3.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.7. (a) The commission may issue bonds or enter into leases to:**

- (1) pay the costs incurred in the financing, construction, acquisition, enlargement, and equipping of a sports and recreational facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county;**
- (2) reimburse itself or any nonprofit corporation for any money advanced to pay the costs described in subdivision (1); or**
- (3) refund bonds issued or other obligations incurred under this chapter.**

The county fiscal body must adopt a resolution authorizing the issuance of bonds or the execution of leases entered into under this section.

(b) Bonds issued under this section:

- (1) are payable solely from the money provided in this chapter;**
- (2) may, in the discretion of the commission, be sold at a negotiated sale or under IC 5-1-11 and IC 5-3-1; and**
- (3) must be authorized by a resolution of the commission.**

(c) Leases entered into under this section:



- (1) may be for a term not to exceed fifty (50) years;
- (2) may provide for payments from revenues under this chapter, any other revenues available to the commission, or any combination of these sources;
- (3) may provide that payments by the commission to the lessor are required only to the extent and only for the time that the lessor is able to provide the leased facilities in accordance with the lease;
- (4) must be based upon the value of the facilities leased; and
- (5) may not create a debt of the county for purposes of the Constitution of the State of Indiana.

(d) A lease may be entered into by the commission only after a public hearing:

- (1) for which notice has been given in accordance with IC 5-3-1; and
- (2) at which all interested parties are provided the opportunity to be heard.

(e) After the public hearing required by subsection (d), the commission may approve the execution of a lease only if the commission finds that the services to be provided throughout the life of the lease will serve the public purposes for which the commission was created and that the execution of the lease is in the best interests of the residents of the county.

(f) Upon execution of a lease under this section, the commission shall publish notice of the execution of the lease in accordance with IC 5-3-1.

(g) An action to contest the validity of bonds issued or leases entered into under this section must be brought within thirty (30) days after the adoption of a bond resolution or notice of the execution and approval of the lease, as the case may be.

SECTION 4. IC 6-9-11-3.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.9. With respect to:

- (1) bonds or leases to which the commission has pledged revenues under this chapter; and
- (2) bonds issued by a lessor that are payable from lease rentals;

the general assembly covenants with the commission and the purchasers or owners of the bonds described in this section that this chapter will not be repealed or amended in any manner that will adversely affect the collection of the tax imposed under this chapter or the money deposited in the convention and visitor

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promotion fund, as long as the principal of or interest on any bonds, or the lease rentals due under any lease, are unpaid.

SECTION 5. IC 6-9-11-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 4.5. The financing of the construction, acquisition, enlargement, and equipping of a sports and recreational facility to promote and encourage conventions, trade shows, tourism, visitors, or special events within the county serves a public purpose and is of benefit to the general welfare of the county by encouraging investment, job creation and retention, and economic growth and diversity.**

SECTION 6. IC 6-9-11-9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:** **Sec. 9. The General Assembly finds that:**

(1) a county described in section 1 of this chapter possesses a unique opportunity to promote and encourage conventions, trade shows, tourism, visitors, or special events in the county due to the presence in the county of one (1) or more sports and recreational facilities that have been used by:

- (A) public and private universities in the county;**
- (B) senior citizens;**
- (C) community groups; and**
- (D) interscholastic organizations;**

for athletic competitions that have served and encouraged tourism and visitors in the county due to the size, extent, and nature of such athletic competitions; and

(2) the construction, acquisition, enlargement, and equipping of those sports and recreational facilities will promote and encourage tourism and visitors within the county.

SECTION 7. IC 36-1-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a) Except as provided in subsection (b), this chapter applies to:**

- (1) political subdivisions and ~~(2)~~ agencies of political subdivisions that determine to acquire structures, transportation projects, or systems by lease or lease-purchase;**
- (2) ~~This chapter also applies to~~ a convention and visitor bureau established under IC 6-9-2 that determines to acquire a visitor center by lease or lease purchase; and**
- (3) a convention and visitor commission established by IC 6-9-11 that determines to acquire a sports and recreation facility by lease or lease purchase.**

(b) This chapter does not apply to:



- (1) the lease of library buildings under IC 20-14-10, unless the library board of the public library adopts a resolution to proceed under this chapter instead of IC 20-14-10;
- (2) the lease of school buildings under IC 21-5;
- (3) county hospitals organized or operating under IC 16-22-1 through IC 16-22-5;
- (4) municipal hospitals organized or operating under IC 16-23-1; or
- (5) boards of aviation commissioners established under IC 8-22-2.

SECTION 8. An emergency is declared for this act.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Approved: _____

Governor of the State of Indiana

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